

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DR. MAX ARNETT,

Plaintiff,

v.

OHIO NATIONAL LIFE ASSURANCE  
CORPORATION,

Defendant.

Case No. C05-5639 FDB

ORDER DENYING MOTION FOR  
RECONSIDERATION

Plaintiff has moved for reconsideration of this Court's November 20, 2006 Order Dismissing Action for Failure to Comply with Discovery Orders. The Plaintiff asserts his belief that he has "fully cooperated with all his obligations under the court rules and is not in default of any of them." The Court requested Defendant file a response to the motion. Defendant points out that despite Plaintiff's request for relief, Plaintiff has never responded to this Court's previously orders compelling discovery, nor has Plaintiff paid the Court-ordered sanctions.

**MOTION FOR RECONSIDERATION**

Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for reconsideration are disfavored, and will ordinarily be denied unless there is a showing of (a) manifest error in the prior ruling, or (b)

1 facts or legal authority which could not have been brought to the attention of the court earlier,  
2 through reasonable diligence. Plaintiff's has not made the requisite showing as to either of the  
3 grounds for reconsideration under CR 7(h)(1). Plaintiff rather, attempts to use this motion to raise  
4 factual arguments that should or could have been brought to the Court's attention in a timely fashion.  
5 The Court is not persuaded by this argument. Plaintiff's motion does not demonstrate a manifest  
6 error in the Court's prior ruling dismissing the action nor does it provide the Court with any new  
7 information that could not have been brought to the Court through the exercise of reasonable  
8 diligence.

9 **CONCLUSION**


10 For the reasons set forth above, Plaintiff's Motion for Reconsideration will be denied. **DENIED.**

11 **ACCORDINGLY,**

12 **IT IS ORDERED:**

13 Defendant's Motion for Reconsideration of Ruling on Dismissal [Dkt. # 43] is **DENIED.**

14  
15 DATED this 19<sup>th</sup> day of December, 2006.

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19 **FRANKLIN D. BURGESS**  
20 **UNITED STATES DISTRICT JUDGE**  
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